

FORM 26. Docketing Statement

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July 2020

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

DOCKETING STATEMENT

Case Number: 2021-1154

Short Case Caption: Celgene Corporation v. Mylan Pharmaceuticals Inc.

Filing Party/Entity: Celgene Corporation

Instructions: Complete each section or check the box if a section is intentionally blank or not applicable. Attach additional pages as needed. Refer to the court's Mediation Guidelines for filing requirements. An amended docketing statement is required for each new appeal or cross-appeal consolidated after first filing.

Case Origin	Originating Number	Type of Case
District of New Jersey	2:19-cv-05802	Patent

Relief sought on appeal: ☐ None/Not Applicable

Reversal of the order granting Defendants Mylan Pharmaceuticals Inc., Mylan Inc., and Mylan, N.V. renewed motion to dismiss for improper venue and failure to state a claim.

Relief awarded below (if damages, specify): ☐ None/Not Applicable

The district court ordered the dismissal of Celgene Corporation's complaint and claims against Defendants Mylan Pharmaceuticals Inc., Mylan Inc., and Mylan, N.V.

Briefly describe the judgment/order appealed from:

The order appealed from granted Defendants Mylan Pharmaceuticals Inc., Mylan Inc., and Mylan N.V. renewed motion to dismiss this action for improper venue and failure to state a claim.

Nature of judgment (select one):

Date of judgment: 9/25/20

☒ Final Judgment, 28 USC § 1295

☐ Rule 54(b)

☐ Interlocutory Order (specify type) _____

☐ Other (explain) _____

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Name and docket number of any related cases pending before this court, and the name of the writing judge if an opinion was issued. ☒ None/Not Applicable

Issues to be raised on appeal: ☐ None/Not Applicable

Whether the district court's dismissal of Defendants Mylan Pharmaceuticals Inc., Mylan Inc., and Mylan N.V. and this action for improper venue and failure to state a claim was proper.

Have there been discussions with other parties relating to settlement of this case?

☒ Yes ☐ No

If "yes," when were the last such discussions?

- ☐ Before the case was filed below
- ☒ During the pendency of the case below
- ☐ Following the judgment/order appealed from

If "yes," were the settlement discussions mediated? ☐ Yes ☒ No

If they were mediated, by whom?

Do you believe that this case may be amenable to mediation? ☐ Yes ☒ No

Explain.

Provide any other information relevant to the inclusion of this case in the court's mediation program.

Date: 11/19/20 Signature: /s/ Eric C. Stops

Name: Eric C. Stops